

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:04CV179-DCK**

WILLIAM G. WELBORN,)	
)	
Plaintiff,)	
v.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

ORDER

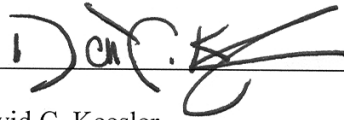
The defendant, Michael J. Astrue, the Commissioner of Social Security (“Commissioner”), has moved this Court for entry of judgment affirming his final favorable decision issued on this case.

On January 6, 2006, this Court entered a Consent Order remanding this case to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) to consider additional evidence. In Shalala v. Schaefer, 113 S. Ct. 2625 (1993) and Melkonyan v. Sullivan, 111 S. Ct. 2157 (1991), the Supreme Court announced that a remand to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) does not constitute a final decision and that, accordingly, the district court retains jurisdiction over the case pending final agency decision subsequent to remand. After this case was remanded, additional evidence was considered and on June 29, 2007, a new decision was issued which constitutes the Commissioner’s final decision in this case subsequent to the above-noted remand. That decision was fully favorable to Plaintiff in that it found that he had been disabled since his alleged onset date of May 2, 2001.

No contested issues remain in this case. Therefore, pursuant to the power of this Court to

enter a judgment, this Court hereby AFFIRMS the Commissioner's final decision after remand in this case.

Signed: February 17, 2009



David C. Keesler
United States Magistrate Judge

